

1 BRYAN CAVE LLP

2 Andrea M. Hicks, California Bar No. 219836
 2 Joseph Poppen, California Bar No. 239282
 3 Two Embarcadero Center, Suite 1410
 3 San Francisco, CA 94111-3907
 4 Telephone: (415) 675-3400
 4 Facsimile: (415) 675-3434
 5 Email: andrea.hicks@bryancave.com
 5 joseph.poppen@bryancave.com

6 BRYAN CAVE LLP

7 Robert E. Boone III, California Bar No. 132780
 7 120 Broadway, Suite 300
 8 Santa Monica, CA 90401-2386
 8 Telephone: (310) 576-2100
 9 Facsimile: (310) 576-2200
 9 Email: reboone@bryancave.com

10 Attorneys for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER
 11 THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED
 12 ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3
 13 (erroneously sued as Deustche Bank National Co.); BANK OF AMERICA, N.A. (erroneously
 13 sued as Bank of America, N.A. Inc.); COUNTRYWIDE HOME LOANS, INC. (erroneously sued
 13 as Countrywide Home Loans); and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
 13 INC.

14 UNITED STATES DISTRICT COURT**15 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

16 MARVIN CUARESMA, and MERRIAME
 17 CUARESMA

18 Plaintiffs,

19 vs.

20 DEUSTCHE BANK NATIONAL CO., IMPAC
 21 SECURED ASSETS CORP., BANK OF
 22 AMERICA, N.A. INC., COUNTRYWIDE
 23 HOME LOANS, MORTGAGE ELECTRONIC
 24 REGISTRATION SYSTEMS, INC.; HSBC
 25 BANK USA, NATIONAL ASSOCIATION FOR
 25 THE BENEFIT OF ACE SECURITIES CORP.
 26 HOME EQUITY LOAN TRUST, SERIES 2006-
 26 NC2 ASSET BACKED PASS-THROUGH
 27 CERTIFICATES SERIES 2006-3 and DOES 1
 27 through 100, inclusive,

28 Defendants.

Case No. C11-03829 RMW

**DEFENDANTS DEUTSCHE BANK
 NATIONAL TRUST COMPANY; BANK
 OF AMERICA, N.A.; COUNTRYWIDE
 HOME LOANS, INC.; and MORTGAGE
 ELECTRONIC REGISTRATION
 SYSTEMS, INC. AMENDED NOTICE OF
 MOTION, AND MOTION TO DISMISS**

Date: October 7, 2011
 Time: 9:00 a.m.
 Courtroom: 6, 4th Floor

Complaint filed: July 1, 2011
 Trial date: Not Assigned

1 PLEASE TAKE NOTICE THAT on **October 7, 2011**, at **9:00 a.m.**, in Courtroom 6, 4th
 2 Floor, 280 South 1st Street, San Jose, CA 95113, the Court will hear the Motion to Dismiss and
 3 Motion to Strike of Defendants Deutsche Bank National Trust Company,¹ Bank of America,
 4 N.A.²; Countrywide Home Loans, Inc.³; and Mortgage Electronic Registration Systems, Inc. to the
 5 Complaint filed by Plaintiffs Marvin Cuaresma and Merriame Cuaresma. This amended notice of
 6 motion is submitted after receipt of the Clerk's Order reassigning this matter to Judge Whyte.
 7 Defendants' Motion to Dismiss was filed on July 1, 2011 and was originally noticed for October
 8 4, 2011.

9
 10 Dated: August 31, 2011

BRYAN CAVE LLP

Andrea M. Hicks
 Joseph Poppen

11 By: /s/ Joseph Poppen

12 Joseph Poppen
 13 Attorneys for Defendants
 14 DEUTSCHE BANK NATIONAL TRUST
 15 COMPANY, AS TRUSTEE UNDER THE
 16 POOLING AND SERVICING AGREEMENT
 17 RELATING TO IMPAC SECURED ASSETS
 18 CORP., MORTGAGE PASS-THROUGH
 19 CERTIFICATES, SERIES 2006-3 (erroneously sued
 20 as Deustche Bank National Co.); BANK OF
 21 AMERICA, N.A. (erroneously sued as Bank of
 22 America, N.A. Inc.); COUNTRYWIDE HOME
 23 LOANS, INC. (erroneously sued as Countrywide
 24 Home Loans); and MORTGAGE ELECTRONIC
 25 REGISTRATION SYSTEMS, INC.

26 _____
 1 As Trustee Under The Pooling And Servicing Agreement Relating To IMPAC Secured Assets Corp., Mortgage
 2 Pass-Through Certificates, Series 2006-3 (erroneously sued as Deustche Bank National Co.)

27 2 Erroneously sued as Bank of America, N.A. Inc.

28 3 Erroneously sued as Countrywide Home Loans.

PROOF OF SERVICE

I, Angela Howard, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is: 2 Embarcadero Center, Suite 1410, San Francisco, CA 94111, and my email address is: angela.howard@bryancave.com.

On August 31, 2011, I caused to be served on the interested parties in said action the within:

DEFENDANTS DEUTSCHE BANK NATIONAL TRUST COMPANY; BANK OF AMERICA, N.A.; COUNTRYWIDE HOME LOANS, INC.; and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AMENDED NOTICE OF MOTION, AND MOTION TO DISMISS

by placing a true copy thereof in a sealed envelope(s) addressed to each as follows:

Marvin & Merriame Cuaresma
1210 Murphy Ave.
San Jose, CA 95131

[X] BY MAIL - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY OVERNIGHT DELIVERY - Depositing the above document(s) in a box or other facility regularly maintained by FedEx in an envelope or package designated by FedEx with delivery fees paid or provided for.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 31, 2011, at San Francisco, California.

/s/ Angela Howard
Angela Howard